## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

-----x

SECURITIES AND EXCHANGE COMMISSION,

:

Plaintiff,

: Civil Action No. 21-cv-5429 (RA)

OFER ABARBANEL, VICTOR CHILELLI,

INCOME COLLECTING 1-3 MONTHS : ECF CASE

T-BILLS MUTUAL FUND,

VS.

Defendants,

:

And

INSTITUTIONAL SYNDICATION LLC, :

NORTH AMERICAN LIQUIDITY
RESOURCES LLC,

INSTITUTIONAL SECURED CREDIT LLC, :
GROWTH INCOME HOLDINGS LLC, :

CLO MARKET NEUTRAL LLC, : GLOBAL EMEA HOLDINGS LLC, :

:

Relief Defendants. :

CONSENT ORDER TEMPORARILY LIFTING ASSET
FREEZE FOR RETURN OF FUND ASSETS TO FUND BANK ACCOUNT

On June 18, 2021, the Securities and Exchange Commission ("Commission") filed its complaint [ECF No. 1] and an emergency application to freeze accounts and for other relief. [ECF No. 3]. On that same day, the Court granted the Commission's motion, and among other relief, issued an Order to Show Cause freezing certain identified accounts that held or received assets transferred from Defendant Income Collecting 1-3 Months T-Bills Mutual Fund (in Official Liquidation) ("Fund"). [ECF No. 4].

By Consent Order dated June 24, 2021 [ECF No. 27], on joint motion of the parties, the Court entered an order extending the asset freeze and other relief set forth in the June 18 order.

The Consent Order included an Attachment A listing accounts for which the asset freeze would be extended. Attachment A included a Vanguard brokerage account (-1044) in the name of Robert K. Lu, former counsel to the Fund. Two days before the Commission initiated this action, on or about June 16, 2021, \$10,000,000 in Fund assets were deposited into Robert K. Lu's Vanguard (-1044) account from the Fund's bank account (-4905) at Wells Fargo, which is also listed on Attachment A and subject to the asset freeze. By Consent Order dated June 29, 2021 [ECF No. 28], the \$10 million received from the Fund was transferred to another Vanguard account in Robert K. Lu's name (-0829), and the asset freeze was extended to that account.

Robert K. Lu and the undersigned parties hereby consent to return the \$10 million in Fund assets from Vanguard account (-0829) to the Fund's Wells Fargo bank account (-4905) from which they were transferred, and from which the assets are expected to be distributed in connection with an anticipated settlement between the Commission and the Fund.

WHEREFORE, IT IS HEREBY ORDERED, that the asset freeze issued by the Court on June 18, 2021 [ECF No. 4], as amended on June 24 and June 28, 2021 [ECF Nos. 27, 29], is hereby temporarily lifted for the limited purpose of allowing \$10,000,000 (USD), plus any interest accrued, to be transferred from the Vanguard brokerage account in the name of Robert K. Lu (-0829) to the Wells Fargo bank account in the name of the Fund (-4905) from which the funds were transferred on or about June 16, 2021.

Robert K. Lu and Vanguard are hereby directed to transfer \$10,000,000, plus any accrued interest, from Vanguard account (-0829) to Wells Fargo Account (-4905) within three business days of the date of this Order, and to provide a written confirmation to SEC counsel (KisslingerP@sec.gov) when that transfer has taken place.

The Order to Show Cause, asset freeze, and other relief entered by the Court on June 18, 2021 [ECF No. 4], as amended, shall otherwise remain in full effect pending further order of the Court.

SO AGREED:

/s Robert K. Lu
Robert K. Lu
REID & WISE LLP
U.S. Bank Tower
633 West Fifth Street
26th Floor
Los Angeles, CA 90071
(213) 223-2328; (619) 300-1849
rlu@reidwise.com

Dated: December 20, 2021

/s Jessica Magee

Jessica Magee Holland & Knight LLP One Arts Plaza, 1722 Routh Street, Suite 1500 Dallas, Texas 75201 (214) 969-1375 Jessica.magee@hklaw.com

Counsel for Joint Official Liquidators of Income Collecting 1-3 Months T-Bills Mutual Fund (in Official Liquidation)

Dated: December 20, 2021

**SO ORDERED:** 

Dated: January 11, 2022

<u>/s Paul W. Kisslinger</u>

Paul W. Kisslinger (PK0764)
Securities and Exchange Commission
100 F Street, N.E.
Washington, D.C. 20549
(202) 551-4427
KisslingerP@sec.gov

Counsel for Plaintiff Securities and Exchange Commission

Dated: December 20, 2021

HONORABLE RONNIE ABRAMS UNITED STATES DISTRICT JUDGE